THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.2402 of 2006

Dated:30.03.2007

Between:

K. Nirmala Rani.

.... PETITIONER

AND

Sri Malleswara Swamy Temple, Pedakakani, Guntur District, rep. by its Executive Officer.

.....RESPONDENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.2402 of 2006

ORDER:

This writ petition is filed seeking to declare the action of the respondent in issuing the proceedings dated 26.01.2006, discontinuing her contract services as care-taker from the establishment of Sri Malleswara Swamy Temple, Pedakakani Village and Mandal, Guntur District, and canceling its earlier proceedings, dated 09.04.2005, regularizing the services of the petitioner as Junior Assistant, without following the due process of law, as illegal and arbitrary.

2. The case of the petitioner is that initially, she has been employed as care taker on contract basis for maintenance of Kalyana Mandapam and Tourism Guest House of respondent. Thereafter, on the representation, dated 28.02.2005 made by the petitioner, the respondent has regularized her services in the cadre of Junior Assistant in the regular scale of pay, vide proceedings dated 09.04.2005, and she was continuing as such. The grievance of the petitioner is that without issuing any notice to her and without following any procedure, the respondent issued the impugned proceedings removing her from service. Hence, the petitioner filed the present writ petition.

3. In W.P.M.P.No. 2904 of 2006 in W.P.No.2402 of 2006, this

Court has granted interim suspension of the removal order, pending further orders. Thereafter, the respondent filed vacate stay petition along with the counter stating that consequent upon the direction given by the Government, vide G.O.Rt.No.2606 dated 28.12.2005, the respondent had enquired into the matter in detail and found that the appointment and regularization of the petitioner are against the rules and illegal, and therefore, they issued the impugned proceedings canceling her appointment as Junior Assistant and discontinued her contract services as care taker.

4. However, the learned Standing Counsel for the respondent admitted that the impugned proceedings were passed against the petitioner without giving any show cause notice and prayed this Court to grant liberty to the respondent to give notice and pass appropriate orders after affording opportunity to the petitioner.

5. Since the impugned proceedings were passed by the respondent without giving any show cause notice to the petitioner, as admitted to by the learned Standing Counsel for the respondent, the same cannot be sustained, and they are accordingly set aside.

6. Accordingly the writ petition is allowed. However, the respondent is at liberty to issue notice and pass appropriate orders, after affording reasonable opportunity to the petitioner, in accordance with law. No costs.

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N.V. RAMANA, J.

Date: 30.03.2007

sj